

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY No. 2

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification
7/45/2001/LA

The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Second Amendment) Act, 2001 (Goa Act 46 of 2001), which has been passed by the Legislative Assembly of Goa, on 20-6-2001 and assented to by the Governor of Goa on 29-6-2001, is hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting).

Panaji, 4th July, 2001.

The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Second Amendment) Act, 2001
(Goa Act 46 of 2001) [29-6-2001]

AN
ACT

further to amend the Legislative Diploma No. 2070 dated 15-4-1961, in its application to the State of Goa.

BE it enacted by the Legislative Assembly of Goa in the Fifty-second Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Second Amendment) Act, 2001.

(2) It shall come into force at once.

2. *Insertion of new Article.*— After Article 372 of the Legislative Diploma No. 2070 dated 15-4-1961 (hereinafter referred to as the "Code"), the following Article shall be inserted, namely:—

372-A. *Regularisation of unauthorised occupation, wrongful possession, etc.*— (1) Notwithstanding anything contained, elsewhere in this Code, or any other law for the time being in force, or in any instrument, judgement, decree or order of any court or law, any person who is in unauthorised occupation of, or in wrongful possession of, or who has encroached upon, in or over, any land:—

(a) vested in *communidade*, or

(b) to the use or occupation of which he is not entitled or has ceased to be entitled, by reason of:

(i) any of the provisions of this Code, or

(ii) the expiry of the period of lease or termination of lease for breach of any of the conditions annexed to the tenure;

and has constructed, on or before 15-6-2000, a house, for residential purpose on such land, shall, on an application made by him to the Collector of the concerned district, within a period of 90 days from the date on which the Article 372-A, came into effect, in the specified form, accompanied by specified documents, and on payment of specified fees, be entitled for the regularisation of such unauthorised occupation or wrongful possession or encroachment, including of the said residential house, subject however to sub-clause (3) of Article 372-A.

(2) From the date on which Article 372-A came into effect till the expiry of the period of 90 days prescribed under sub-clause (1) above, or till the pendency and disposal of the application, if any, made under sub-clause (1) above, as the case may be:

(a) no proceedings shall be initiated and no order shall be passed, under this Code, against a person who is eligible to apply for and whose case falls, under sub clause (1) above, and

(b) all proceedings already initiated and any order already passed under this code, against a person who is eligible to apply for and whose case falls under sub-clause (1) above, shall remain stayed during such period as prescribed above:

Provided that the period of stay of any proceedings initiated or of any order passed under this Code or the period during which no proceedings can be initiated or no order can be

passed under this Code as stated above, shall not extend beyond a period of one year from the date on which Article 372-A came into effect, notwithstanding the fact that the said application made under sub-clause (1) above is not disposed off within the said period of one year.

(3) The form of application, fees payable, the procedure to be followed in processing/deciding the application under sub-clause (1) above, the documents required to be furnished alongwith an application under sub-clause (1) above, the area to be regularised, the fine to be imposed upon, for regularisation, if any, etc., shall be such as may be specified in the rules under the Code.

Secretariat Annexe,
Panaji.

V. P. SHETYE,
Secretary to the Government
of Goa, Law Department
(Legal Affairs)

Dated: 4-7-2001.